

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO  
SAN BERNARDINO DISTRICT

THE PEOPLE OF THE STATE OF CALIFORNIA,	)	COURT CASE NO. FSB701262
	)	
Plaintiff,	)	FIRST AMENDED
	)	
vs.	)	FELONY COMPLAINT
	)	
Carlos Garcia, Jr., Christina Marie Perez , dba CG Enterprises, dba CG Painting & Wall Coverings dba Millenium Coatings,	)	
	)	DA CASE NO. 2004-00-0005159
	)	
Defendants.	)	

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The undersigned is informed and believes that:

COUNT 1

On or about January 1, 2002 through August 15, 2003, in the above named judicial district, the crime of GRAND THEFT OF PERSONAL PROPERTY, in violation of PENAL CODE SECTION 487(a), a felony, was committed by Carlos Garcia, Jr. and Christina Marie Perez, who did unlawfully take money and personal property of a value exceeding Four Hundred Dollars (\$400), to wit: Two Hundred Sixty-Three Thousand Six Hundred fifty-Three dollars and Thirty-Six (\$263,653.36), the property of State Compensation Insurance Fund.

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COUNT 2

On or about January 1, 2002 through December 31, 2002, in the above named judicial district, the crime of WORKERS' COMPENSATION INSURANCE PREMIUM FRAUD, in violation of INSURANCE CODE SECTION 11880(a), a felony, was committed by Carlos Garcia, Jr. and Christina Marie Perez, who did unlawfully and knowingly present or cause to be presented a false or fraudulent (oral or written) statement regarding a fact material to the determination of the

premium, rate, or cost of a worker's compensation insurance policy administered by the State Compensation Insurance Fund for the purpose of reducing the premium, rate, or cost of that insurance, to wit: Defendants under-reported payroll and misclassified employee classifications.

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### COUNT 3

On or about January 1, 2003 through August 15, 2003, in the above named judicial district, the crime of WORKERS' COMPENSATION INSURANCE PREMIUM FRAUD, in violation of INSURANCE CODE SECTION 11880(a), a felony, was committed by Carlos Garcia, Jr. and Christina Marie Perez, who did unlawfully and knowingly present or cause to be presented a false or fraudulent (oral or written) statement regarding a fact material to the determination of the premium, rate, or cost of a worker's compensation insurance policy administered by the State Compensation Insurance Fund for the purpose of reducing the premium, rate, or cost of that insurance, to wit: Defendants under-reported payroll and misclassified employee classifications..

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### COUNT 4

On or about September 18, 2003, in the above named judicial district, the crime of WORKERS' COMPENSATION INSURANCE FRAUD, in violation of INSURANCE CODE SECTION 1871.4(a)(2), a felony, was committed by Carlos Garcia, Jr. and Christina Marie Perez, who presented or caused to be presented a knowingly false or fraudulent material statement in support of a claim for compensation in order to obtain benefits as defined in section 3207 of the Labor Code, to wit: In a letter dated September 18, 2003 mailed to State Compensation Insurance Fund, the defendants denied that George Garcia was a company employee.

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### COUNT 5

On or about September 18, 2003, in the above named judicial district, the crime of WORKERS' COMPENSATION INSURANCE FRAUD, in violation of INSURANCE CODE

SECTION 1871.4(a)(2), a felony, was committed by Carlos Garcia, Jr. and Christina Marie Perez, who presented or caused to be presented a knowingly false or fraudulent material statement in support of a claim for compensation in order to obtain benefits as defined in section 3207 of the Labor Code, to wit: In a letter dated September 18, 2003 mailed to State Compensation Insurance Fund the defendants denied that Manuel Aguilar was a company employee.

It is further alleged as to Counts 1, 2, 3, 4, and 5, that the above violation was not discovered until 11-01-03 by State Compensation Insurance Fund Fraud Investigator Jojo Arajo by when Investigator Jojo Arajo received "DE-6" reports from the California Employment Development Department reflecting different and higher employee payroll than that which defendants reported to State Compensation Insurance Fund; also, on the "DE-6" reports, defendants listed both George Garcia and Manuel Aguilar as company employees, and that no victim of said violation and no law enforcement agency chargeable with the investigation and prosecution of said violation had actual and constructive knowledge of said violation prior to said date, within the meaning of Penal Code section 803(c).

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#### NOTICE TO DEFENDANT AND DEFENDANT'S ATTORNEY

Pursuant to Penal Code Sections 1054.5(b), the People are hereby informally requesting that defense counsel provide discovery to the People as required by Penal Code Section 1054.3.

#### NOTICE TO ATTORNEY

The materials accompanying this notice may include information about witnesses. If so, these materials are disclosed to you pursuant to Penal Code section 1054.2 which provides: "No attorney may disclose or permit to be disclosed to a defendant the address or telephone number of a victim or witness whose name is disclosed to the attorney pursuant to subdivision (a) of Section 1054.1 unless specifically permitted to do so by the court after a hearing and a showing of good cause."

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT AND THAT THIS COMPLAINT CONSISTS OF 5 COUNTS.

Executed at San Bernardino, California, on April 10, 2008.

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DECLARANT AND COMPLAINANT

Agency: Dept of Insurance Fraud Rancho

Prelim Est. 01:00

Defendant	Birth Date	Booking No.	CII No.	NCIC
Carlos Garcia, Jr.	01/26/1962		A06501840	
Christina Marie Perez	08/02/1962		A06659922	